

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

vs.

JOHN DOE,

Defendant.

CIVIL ACTION NO. 5-19-CV-00834-DAE

**DEFENDANT’S OPPOSITION TO PLAINTIFF’S MOTION TO EXTEND DEADLINE
TO REVIVE CORPORATE STATUS**

The Court should deny Malibu’s motion for another 60 days to revive their corporate status from its current suspension. Three reasons highlight why Malibu has failed to show good cause for its delay:

First, Malibu had notice since at least March 9, 2021 of its suspended status. [Dkt 75; Dkt. 85 Tr. 14:20-24]. Yet nearly 120 days later, it still has not fixed its suspended status. This fact refutes Malibu’s claim that it “has worked diligently with its outside accounting firm to revive its corporate status.” [Dkt. 87].

Second, not only does Malibu remain suspended, but so do at least **eight** other corporate entities tied to Colette Pelissier, Malibu’s sole member. [Dkt. 86-1, Morris Decl. Exs. A-I]. This suggests that Malibu’s suspension is no one-time slip. And it is another fact contradicting Malibu’s claim of diligence.

Third, Malibu offers no evidence supporting its claim of diligence.¹ [See Dkt. 87]. For instance, it submits no affidavit from its outside accounting firm—or even identify that firm. Nor

¹ Also, Malibu points to nothing showing that California is guaranteed to reinstate Malibu’s status even if Malibu submits the proper material to the state.

does it provide any of the written correspondence or the preliminary determination it refers to in its motion. Good cause demands more than Malibu's unverified claim of diligence.

In the end, Malibu is asking the Court to delay considering Doe's reurged motion for leave to amend [Dkt. 88]. But the Court should not excuse Malibu's ongoing delay, especially when Doe is enduring ongoing prejudice. Instead, the Court should deny Malibu's motion and grant Doe's reurged motion for leave to amend to ensure Doe can pursue a just outcome and the Court can afford complete relief in this case.

Dated: July 13, 2021

Respectfully submitted,

/s/ JT Morris

JT Morris

Texas State Bar No. 24094444

jt@jtmorrislaw.com

Ramzi Khazen

Texas State Bar No. 24040855

ramzi@jtmorrislaw.com

JT Morris Law, PLLC

1105 Nueces Street, Suite B

Austin, Texas 78701

Tel: 512-717-5275

Fax: 512-582-2948

Counsel for Defendant John Doe

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2021 I electronically filed the above with the Court using CM/ECF, and served on the same day all counsel of record by the CM/ECF notification system.

/s/ JT Morris

JT Morris